

MORRIS, MANNING & MARTIN, LLP

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: ***"Optical Apparatus For Guided Liver Tumor Treatment And Methods"***

The specification of which

a. ☒ is attached hereto

b. ☐ was filed on _____ as application serial no. _____ and was amended on _____ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. _____ filed _____ and as amended on _____ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. ☐ no such applications have been filed.

b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
PCT/US2003/031163	30 September 2003	

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/415,282	30 September 2002

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application:

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the following attorney(s) and/or patent agent(s) connected herewith the following customer number to prosecute this application and to transact all business in the Patent and Trademark Office:

CUSTOMER NO.
24728

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Morris, Manning & Martin, LLP to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Morris, Manning & Martin, LLP, or any of its attorneys. Please direct all correspondence in this case to **Tim Tingkang Xia, Esq.** of Morris, Manning & Martin, LLP at the address associated with the following customer number:

CUSTOMER NO.
24728

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name LIN	First Given Name Wei	Second Given Name Chiang
0	Residence & Citizenship	City Nashville	State or Foreign Country Tennessee	Country of Citizenship USA
1	Mailing Address	Address 3210 Orleans Drive, Apt. #1	City Nashville	State & Zip Code/Country Tennessee 37212/USA
Signature of Inventor 1:				Date:
2	Full Name Of Inventor	Family Name CHAPMAN	First Given Name William	Second Given Name C.
0	Residence & Citizenship	City St. Louis	State or Foreign Country Missouri	Country of Citizenship USA
2	Mailing Address	Address 75 Lake Forest Drive	City St. Louis	State & Zip Code/Country Missouri 63117/USA
Signature of Inventor 2:				Date:
2	Full Name Of Inventor	Family Name MAHADEVAN-JANSEN	First Given Name Anita	Second Given Name
0	Residence & Citizenship	City Nashville	State or Foreign Country Tennessee	Country of Citizenship USA
3	Mailing Address	Address 7517 Hallows Drive	City Nashville	State & Zip Code/Country Tennessee 37221/USA
Signature of Inventor 3:				Date:

Attorney Docket No. 14506-49286

MORRIS, MANNING & MARTIN, LLP

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: *"Optical Apparatus For Guided Liver Tumor Treatment And Methods"*

The specification of which

- a. ☐ is attached hereto
b. ☒ was filed on March 17, 2005, as application serial no. 10/528,241 and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☐ no such applications have been filed.
b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
PCT/US2003/031163	30 September 2003	

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/415,282	30 September 2002

BEST AVAILABLE COPY

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the following attorney(s) and/or patent agent(s) connected herewith the following customer number to prosecute this application and to transact all business in the Patent and Trademark Office:

CUSTOMER NO.
24728

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm or organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Morris, Manning & Martin, LLP to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Morris, Manning & Martin, LLP, or any of its attorneys. Please direct all correspondence in this case to Tim Tingkang Xia, Esq. of Morris, Manning & Martin, LLP at the address associated with the following customer number:

CUSTOMER NO.
24728

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		LIN	Wei	Chiang
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		Miami	Florida USA	USA
1	Mailing Address	Address	City	State & Zip Code/Country
		3500 Coral Way, Suite #PH201	Miami	Florida 33145/USA
Signature of Inventor 1:			Date: 12/02/2005	
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		CHAPMAN	William	C.
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		St. Louis	Missouri	USA
2	Mailing Address	Address	City	State & Zip Code/Country
		75 Lake Forest Drive	St. Louis	Missouri 63117/USA
Signature of Inventor 2:			Date:	
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		MAHADEVAN-JANSEN	Anita	
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		Nashville	Tennessee	USA
3	Mailing Address	Address	City	State & Zip Code/Country
		7517 Hallows Drive	Nashville	Tennessee 3723/USA
Signature of Inventor 3:			Date:	

BEST AVAILABLE COPY

BEST AVAILABLE COPY

I hereby appoint the following attorney(s) and/or patent agent(s) connected herewith the following customer number to prosecute this application and to transact all business in the Patent and Trademark Office:

CUSTOMER NO.
24728

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Morris, Manning & Martin, LLP to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Morris, Manning & Martin, LLP, or any of its attorneys. Please direct all correspondence in this case to **Tim Tingkang Xia, Esq.** of Morris, Manning & Martin, LLP at the address associated with the following customer number:

CUSTOMER NO.
24728

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		LIN	Wei	Chiang
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		Miami	Florida	USA
1	Mailing Address	Address	City	State & Zip Code/Country
		3500 Coral Way, Unite #PH201	Miami	Florida 33145/USA
Signature of Inventor 1:			Date:	
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		CHAPMAN	William	C.
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		St. Louis	Missouri	USA
2	Mailing Address	Address	City	State & Zip Code/Country
		75 Lake Forest Drive	St. Louis	Missouri 63117/USA
Signature of Inventor 2:			Date: 11/7/05	
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		MAHADEVAN-JANSEN	Anita	
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		Nashville	Tennessee	USA
3	Mailing Address	Address	City	State & Zip Code/Country
		7517 Hallows Drive	Nashville	Tennessee 37221/USA
Signature of Inventor 3:			Date:	

I hereby appoint the following attorney(s) and/or patent agent(s) connected herewith the following customer number to prosecute this application and to transact all business in the Patent and Trademark Office:

CUSTOMER NO.
24728

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Morris, Manning & Martin, LLP to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Morris, Manning & Martin, LLP, or any of its attorneys. Please direct all correspondence in this case to Tim Tingkang Xia, Esq. of Morris, Manning & Martin, LLP at the address associated with the following customer number:

CUSTOMER NO.
24728

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		LIN	Wei	Chiang
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		Miami	Florida	USA
1	Mailing Address	Address	City	State & Zip Code/Country
		3500 Coral Way, Unite #PH201	Miami	Florida 33145/USA
Signature of Inventor 1:			Date:	
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		CHAPMAN	William	C.
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		St. Louis	Missouri	USA
2	Mailing Address	Address	City	State & Zip Code/Country
		75 Lake Forest Drive	St. Louis	Missouri 63117/USA
Signature of Inventor 2:			Date:	
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
		MAHADEVAN-JANSEN	Anita	
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
		Nashville	Tennessee	USA
3	Mailing Address	Address	City	State & Zip Code/Country
		7517 Holloway Drive	Nashville	Tennessee 37221/USA
Signature of Inventor 3:			Date: 11/9/05	